

Response Action Regulations Addendum

For the purpose of discussion at the upcoming workshops, DTSC has prepared an alternative version of the preliminary draft regulations that focuses the regulations on the UPA qualifications and a corrective action overview for UPAs. The alternative version of the preliminary draft regulations is attached to this notice.

DTSC has also prepared a list of discussion questions that will be addressed at the workshops. These questions can also serve as an opportunity to provide written comment for those interested in doing so. The list of questions is also attached.

Workshop Discussion Questions

Your responses to the following questions will be valuable to DTSC as we develop these proposed regulations. We will solicit feedback to these questions during the workshops. In addition, we welcome you to reflect upon these questions and provide your input in writing – feel free to mail, or e-mail your responses. If you are unable to attend any of the scheduled workshops, you may also take this opportunity to provide your comments and input. Please submit your comments by April 30, 2004.

(1) DTSC has prepared two regulatory approaches. The first is a proposal containing UPA qualifications coupled with detailed cleanup processes for all sites; the second is a proposal with UPA qualifications coupled with a summary of corrective action only for UPA sites. Which approach would you consider most useful, and why?

Should the regulations focus primarily on the UPA qualifications?

Should the regulations specify a detailed cleanup process? If so, how specific should the regulations be and do you have a preference regarding the process?

(2) Should public participation be addressed in the regulations? If so, what is an appropriate level of public participation for UPAs?

(3) Do you have other comments or suggestions for these regulations?

Submit comments to:

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DRAFT (02/24/04)

Revised Preliminary Draft – UPA Corrective Action Qualification Regulations

Changes in this version reflect changes from the existing
California Code of Regulations (Cal. Code Regs.)

Key to changes:

Underline: New text to Title 22, Cal. Code Regs.

Strikeout: Text deleted from Title 22, Cal. Code Regs.

Title 22, Division 4.5, as published in *Barclays Official California Code of Regulations*, currently includes Corrective Action language incorporated as Chapter 50, subdivisions 68400 et seq. It should be noted that this language was repealed in 1999 and technically no longer exists. Therefore, for the purposes of this proposed rulemaking, strikeout conventions will not be used with regards to such repealed language.

The Table of Contents for Title 22, Division 4.5, is amended as follows:

**Division 4.5, Environmental Health Standards
for the Management of Hazardous Waste**

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Add Chapter 50, sections 68400.11 - 68400.16:

68400.11. Applicability.

(a) The provisions of this chapter establish criteria and procedures for determining whether or not a unified program agency is qualified to implement the environmental

assessment and corrective action program pursuant to Health and Safety Code sections 25187, 25200.3, 25200.10 and 25200.14.

Except as otherwise specified in this chapter, the provisions of this chapter are not intended to, and shall not be construed to, preclude any other state or local agency from exercising its enforcement or regulatory authority.

(b) The corrective action authority granted to a unified program agency (UPA) pursuant to this chapter is limited to a release or threatened release of a hazardous waste or hazardous constituent occurring at a facility within the jurisdiction of a qualified UPA

(c) A qualified UPA shall comply with all applicable state laws and regulations, and guidances, policies, or procedures adopted by the Department and local ordinances pertaining to environmental assessment and corrective action.

(1) corrective action conducted under the authority granted pursuant to this chapter shall comply with applicable corrective action guidance documents of the U.S. Environmental Protection Agency (U.S. EPA) and the Department.

(d) The authority granted pursuant to this chapter does not limit an UPA's authority to take enforcement action authorized by or in accordance with local ordinances or resolutions, to the extent local ordinances or resolutions are not inconsistent with the provisions of this chapter.

(e) Upon discovering a release at a hazardous waste facility that is, or was, required to obtain a hazardous waste facility permit, standardized permit or interim status, a qualified UPA shall immediately notify the Department. If a release occurs at such a facility and the facility also contains units that are or were subject to generator requirements, or Permit By Rule or Conditional Authorization or Conditionally Exempt requirements, a qualified UPA shall notify and coordinate with the Department.

(f) The Department and a qualified UPA are the only agencies authorized to implement and enforce the environmental assessment and corrective action program requirements of Health and Safety Code section 25404.1.

(1) If the Department determines that a qualified UPA has not adequately implemented or enforced environmental assessment or corrective action requirements in accordance with this chapter, the Department may issue an order pursuant to Health and Safety Code section 25187.

(2) A qualified UPA may refer sites for corrective action to the Department.

(g) If at any time, an UPA determines that a site requires corrective action that is beyond the activities delegated to the agency or the expertise of the agency, the UPA shall refer the site to the Department.

(h) A qualified UPA shall comply with the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq, whenever any activity or action required by this chapter is a project subject to CEQA.

(i) A qualified UPA shall not implement and enforce environmental assessment or corrective action when any of the following applies:

(1) Environmental assessment or corrective action is required at any hazardous waste management facility that is or was required to obtain a Resource Conservation and Recovery Act (RCRA) permit or other RCRA authorization.

(2) The Department has issued an order for corrective action at the site pursuant to Health and Safety Code section 25187.

(3) The site has been determined to be the responsibility of the Department pursuant to a mutual agreement established between the Department and the UPA.

(4) The source of the release is a facility or hazardous waste management unit or an activity that is, or was, regulated by the Department pursuant to Health and Safety Code Chapter 6.5 (commencing with section 25100).

(5) The Department is conducting, or has conducted, oversight of the corrective action at the site at the request of the responsible party.

(6) A site is subject to a Cease and Desist Order issued pursuant to Water Code section 13301 or a Cleanup and Abatement Order issued pursuant to Water Code section 13304.

(7) The Site Designation Committee has determined the administering agency for a site to be either the Department of Toxic Substances Control, the applicable Regional Water Quality Control Board, or the Department of Fish and Game, pursuant to Health and Safety Code section 25262.

(j) The entity conducting corrective action shall ensure that all engineering and geological interpretations, conclusions and recommendations are developed in accordance with applicable state law, including, but not limited to, Business and Professions Code sections 6735 and 7835. The responsible party shall ensure that all risk assessment and toxicological interpretations, conclusions and recommendations are conducted by a professional with certification as a Diplomate of the American Board of Toxicology. Possession of a Master's Degree in Toxicology, Biochemistry, Pharmacology or a closely related specialty from an accredited college or university and three years of experience following the receipt of the Master's Degree in designing and managing toxicological studies, interpreting results, and conducting hazard and safety evaluations; or possession of a Doctoral Degree in Toxicology, Biochemistry or Pharmacology, or a closely related specialty, and one year of experience following the receipt of the Doctoral Degree in designing and managing toxicological studies, interpreting results, and conducting hazard and safety evaluations, may be substituted for the certification.

NOTE: Authority cited: Sections 25150, and 58012, Health and Safety Code.
Reference: Section 25187, 25356.1, and 25404.1, Health and Safety Code.

68400.12. Definitions Applicable to this Chapter.

Unless otherwise defined herein, the definitions of terms used in this chapter shall be those in Division 20 of the Health and Safety Code and section 66260.10 of this division. For the purposes of this chapter, the following definitions apply:

- “administrative enforcement order” means an order issued pursuant to Health and Safety Code section 25187.

- “administrative record file” means a record maintained by the UPA that consists of all documents the UPA relied upon or considered when selecting, taking or requiring corrective action pursuant to this chapter.

- “application” means a request submitted by a Unified Program Agency to the Department for a determination of qualification to implement the environmental assessment and corrective action portions of the unified program pursuant to Health and Safety Code section 25404.1.

- “Certified Unified Program Agency or CUPA” means an agency as defined in Title 27, California Code of Regulations, subsection 15110(a), that has been certified by the secretary to implement the Unified Program.

- “corrective action” means activities taken to investigate, characterize, evaluate, correct, remove, or remediate a release or threatened release of a hazardous waste or constituent, as necessary to protect public health and/or the environment.

- “Department” means the Department of Toxic Substances Control.

- “hazardous constituent” has the meaning set forth in section 66260.10 of this division.

- “hazardous waste” has the meaning set forth in Health and Safety Code section 25117.

- “less complex site” means a site at which all of the following conditions apply:

(1) the site is not on, proposed for, or adjacent to sensitive land uses, including, but not limited to, wetlands, residences, schools, day care centers, hospitals or hospices, unless a toxicologist qualified in accordance with subsection 68400.11(e) or the Department makes a determination that the sensitive land use is not or will not be significantly affected by the site or the release, based on an evaluation of the risk or potential risk posed by the site or the release;

(2) releases of hazardous waste or constituents at the site do not result in discharges to groundwater or to surface water above maximum contaminant levels (MCLs) for drinking water established by the state of California or U.S. EPA, or above the applicable water quality objectives from the Water Quality Control Plan(s) set by the State Water Resources Control Board and/or the Regional Water Quality Control Board, or above a health-based criterion approved by the Department for chemicals that do not have MCLs;

(3) the site contains a small, single product release or a small release of up to three chemicals of concern;

(4) the site does not contain a release of a volatile organic compound or hexavalent chromium;

(5) corrective action for the site will not require land use covenants or long-term operation and maintenance activities;

(6) corrective action will be completed within 120 days of its initiation; and

(7) the release has been adequately characterized as determined by the Department or qualified UPA.

- "local oversight program" means the program in which local agencies oversee corrective actions at underground storage tank sites through a contract with the State Water Resources Control Board pursuant to Health and Safety Code section 25297.1.

- "phase I environmental assessment" has the meaning set forth in Health and Safety Code section 25200.14.

- "Qualified UPA" means an agency delegated by the Department to implement and enforce the environmental assessment and corrective action pursuant to Health and Safety Code section 25404.1.

- "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous waste, hazardous constituents, hazardous substances or hazardous materials.

- "risk assessment" means a risk-based system of analysis used to characterize the current and potential threats to human health and the environment that may be posed by contaminants migrating to groundwater or surface water, releasing to air, leaching through soil, remaining in the soil and bioaccumulating in the food chain.

- "site" means any site, area or facility, including, but not limited to, any building, structure, installation, equipment, pipe or pipeline, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock or aircraft, where hazardous waste, hazardous constituents, hazardous substances or hazardous material has been treated, stored, transferred, disposed of, deposited, placed, released, or has otherwise come to be located.

- "technical staff" means staff assigned to oversee environmental assessments and corrective action.

- "Unified Program Agency or UPA" means the agency as defined in Health and Safety Code subsection 25404(a)(1)(C).

NOTE: Authority cited: Sections 25150 and 58012, Health and Safety Code.

Reference: Sections 25187, 25356.1 and 25404.1, Health and Safety Code.

68400.13. Qualification Tiers.

(a) Except as provided in section 68400.11(i) of this chapter, a qualified UPA may implement and enforce only those parts of the environmental assessment and corrective action program that have been delegated by the Department pursuant to Health and Safety Code section 25404.1, as described below:

(1) A qualified UPA with a Tier 1 level of qualification, as defined in section 68400.14, shall be qualified to do the following at a facility within the jurisdiction of the UPA:

(A) Review phase I environmental assessments, as defined in Health and Safety Code section 25200.14 (Phase I) for completeness and accuracy;

(B) Inspect permit-by-rule facilities and facilities with conditional authorization for Phase I compliance;

(C) Enforce compliance with Phase I requirements;

(D) Review Further Investigation schedule, as defined in Health and Safety Code section 25200.14, to determine if a release from solid waste management unit or hazardous waste management unit requires corrective action;

(E) Implement and enforce the corrective action program at applicable less complex sites, as defined in subsection 68400.12 of this chapter;

(F) Issue an enforcement order specifying corrective action pursuant to Health and Safety Code section 25187 only for less complex sites to be conducted in accordance with applicable corrective action guidance documents of the U.S. Environmental Protection Agency (U.S. EPA) and the Department and section 68400.16 of this chapter;

(2) A qualified UPA with a Tier 2 level of qualification, as defined in section 68400.14, is qualified to conduct the following activities at a facility within the jurisdiction of the UPA:

(A) All of Tier I activities;

(B) Implement and enforce corrective action at applicable sites in addition to less complex sites, except as provided in subsection 68400.11(i);

(C) Issue an order under Health and Safety Code section 25187 for corrective action in accordance with applicable corrective action guidance documents of the U.S. Environmental Protection Agency (U.S. EPA) and the Department and section 68400.16 of this chapter.

Section 68400.14. Unified Program Agency Qualification Criteria.

(a) A qualified UPA with Tier 1 level of qualification shall meet the following Tier 1 criteria:

(1) Personnel Expertise Requirements.

(A) UPA personnel designated to perform the activities of Tier 1 as described in subparagraph (b)(1)(A) shall have educational and technical expertise sufficient to perform the activities of Tier 1 as described in subparagraph (b)(1)(A) in accordance with all applicable state laws and regulations, and guidances, policies and procedures adopted by the Department.

1. At a minimum educational expertise shall consist of the following:

a. A degree from an accredited college or university approved by the California Superintendent of Public Instruction under the provisions of Education Code section 94310 with a minimum of 60 semester units in environmental, biological, chemical, physical, or soil science; environmental or public health; environmental, civil or chemical engineering; or a directly related scientific field; or minimum qualifications and specifications for the Hazardous Substances Scientist, Hazardous Substances Engineer, or Hazardous Substances Engineering Geologist Classes as defined in the California State Personnel Board Class Codes 3564, 3726 and 3728; and

b. Two consecutive years of experience in hazardous materials management, regulation, analysis, or research, environmental research, monitoring, surveillance or enforcement, or resource recovery.

2. Technical expertise shall consist of the following:

a. Documented training or proficiency in the fields of hydrogeology, fate and transport, environmental chemistry, toxicology, preliminary endangerment assessment, quality assurance and quality control for analytical results, and statistics. Additional training in other technical disciplines related to site characterization and cleanup activities will be considered for its applicability to this requirement. This training shall be sponsored by a credible program, including, but not limited to a state or federal agency, university extension, community college, or qualified UPA; and

b. Specialized Expertise. An UPA shall demonstrate that it has the technical expertise necessary for the review and approval of engineering and geological interpretations, conclusions and recommendations that are conducted by registered professionals in conformance with applicable state law, including, but not limited to, Business and Professions Code sections 6735 and 7835 as required of the owner or operator, or generator or transporter, pursuant to subsection 68400.11(j). This specialized expertise may be provided by UPA personnel, a contractor, or an MOU agreement with a state or local agency.

(B) Documentation of UPA Personnel Expertise. An UPA shall submit with its application documentation demonstrating that UPA personnel meet the educational and technical expertise requirements as described in subparagraphs (1)(A)1. and (1)(A)2. This documentation shall specify detailed information regarding the specialized technical expertise, including the following:

1. If an UPA staff member or an MOU agreement with a state or local agency is providing specialized expertise, specify the names of persons with specialized technical expertise; a summary of education, technical training, related experience and licenses held; and time availability or commitment to activities in the delegated tier.

2. If a contractor is providing the specialized expertise, specify the qualifications of the contractor, related experience, licenses held, time availability or commitment to activities in the delegated tier, and the terms or duration of the contract, such as a retainer contract.

(2) UPA Past Experience.

(A) An UPA qualified in Tier 1 shall have the ability to issue administrative enforcement orders, and at least two years of experience conducting hazardous waste generator inspections. The required experience shall have been acquired in the two years prior to the date the application is submitted to the Department. A Tier 1 UPA shall also have one of the following:

1. Participation in a Site Designation program pursuant to Health and Safety Code section 25262;

2. At least three years of experience participating in a Local Oversight Program; or

3. At least three years of experience conducting response actions.

(B) Documentation of Past Experience. An UPA shall submit with its application documentation demonstrating that it has experience, as described in paragraph (2)(A) as follows:

1. Most recent UPA triennial final Evaluation Report as required by Health and Safety Code section 25404.4;

2. A copy of the Certification that indicates an UPA has the ability to administer the issuance of administrative enforcement order, if not included in the most recent UPA triennial final Evaluation Report; and

3. Narrative descriptions of three relevant projects completed in the last three years or in progress that most clearly demonstrate the UPA's experience, specifying responsible staff and their expertise, a description of relevant project tasks and methods for overcoming technical obstacles.

(3) A qualified UPA shall have the ability to implement the environmental assessment and corrective action program for the tier delegated, pursuant to Health and Safety Code section 25404.1 in accordance with this chapter.

(A) An UPA shall submit with its application a narrative description of how it shall implement and enforce the environmental assessment and corrective action program and delegated responsibilities in accordance with all applicable state laws and regulations, and guidances, policies and procedures adopted by the Department. This description shall specify the following:

1. The policies, procedures, approach and process the UPA will use to conduct environmental assessment and corrective action.

2. If the description of relevant projects provided pursuant to subparagraph (2)(B)3. includes cleanup activities, include in the description details of the process used to conduct the cleanup. Include details regarding public participation, CEQA compliance, site characterization, remedy evaluation and selection, selection of cleanup objectives, remedy implementation, and any long-term activities, such as operation and maintenance.

(4) Adequacy of Staff Resources.

(A) If additional staff resources are needed to implement corrective action, beyond the resources described in the original CUPA application, an UPA shall submit with its application documentation demonstrating that it has the personnel resources needed to conduct the following activities:

1. File reviews;
2. Ongoing training of personnel;
3. Non-technical support for personnel; and
4. Management of any other applicable daily operations needed to support environment assessment activities or corrective action.

(5) Recordkeeping and accounting systems. If additional recordkeeping and accounting systems are needed to implement corrective action, beyond the systems described in the original CUPA application, the UPA shall submit the following:

(A) An UPA shall submit with its application a description of its budget and accounting processes. Such processes shall include an accounting of expenditures made and revenues received for environmental assessment activities and corrective action at all unified program facilities.

(B) An UPA shall submit with its application a description of tracking systems to be used for monitoring the progress of environmental assessment activities and corrective action at all unified program facilities.

(C) An UPA shall submit with its application a description of how files will be maintained for environmental assessment and corrective action activities associated with unified program facilities within its jurisdiction. These files shall include, but not be limited to, all documents that comprise the administrative record file as defined in section 68400.12.

(6) An UPA shall submit with its application a copy of a local ordinance that shall be enacted that authorizes the UPA to recover the costs of implementing and enforcing the environmental assessment and corrective action program within its jurisdiction. An UPA may be determined to be qualified if it demonstrates to the Department that such an ordinance will be adopted within 60 days of the determination.

(b) A qualified UPA with Tier 2 level of qualifications shall meet all of the following Tier 2 criteria:

(1) An applicant UPA shall submit in its application all the required information as specified in subsection (d) of this section, which shall demonstrate that the applicant meets the Tier 1 qualifications.

(2) Personnel Expertise Requirements. UPA personnel designated to perform the activities of Tier 2 as described in subparagraph (b)(1)(B) shall have educational and technical expertise sufficient to perform the activities of Tier 2 as described in subparagraph (b)(1)(B) in accordance with all applicable state laws and regulations, and guidances, policies and procedures adopted by the Department. In addition to the requirements for personnel expertise in Tier 1, an UPA qualified in Tier 2 shall also demonstrate documented training or proficiency in the fields of risk assessment, introduction to groundwater and remedy selection. Additional training in other technical disciplines related to site characterization, cleanup activities and health risk assessment will be considered for its applicability to this requirement. This training shall be sponsored by a credible program, including, but not limited to a state or federal agency, university extension, community college or qualified UPA.

(3) Specialized Expertise. In addition to the requirements for specialized expertise in Tier 1, an UPA qualified in Tier 2 shall also demonstrate that it has the technical expertise necessary to review, comprehend and implement all toxicological interpretations, conclusions and recommendations conducted by a professional with the qualifications provided by subsection 68400.11(j). This specialized expertise may be provided by UPA personnel, a contractor, or an MOU agreement with a state or local agency.

(A) Documentation of UPA Personnel Expertise. In addition to the documentation provided for Tier 1, an UPA shall submit with its application documentation specifying detailed information regarding the specialized technical expertise outlined in subparagraph (e)(3), including the following:

1. If an UPA staff member or an MOU agreement with a state or local agency is providing specialized expertise, specify the names of persons with specialized technical expertise; a summary of education, technical training and related experience; and time availability or commitment to Tier 2 activities.

2. If a contractor is providing the specialized expertise, specify the qualifications of the contractor, related experience, time availability or commitment to Tier 2 activities, and the terms or duration of the contract, such as a retainer contract.

(4) UPA Past Experience.

(A) A Tier 2 UPA shall have the past experience of a Tier 1 UPA and one of the following:

1. At least five years of total experience participating in a Local Oversight Program and documentation of experience overseeing 10 tank removals with full-time participation of two staff members, including one supervisor; or

2. At least five years of experience conducting response actions.

(B) Documentation of Past Experience. An UPA shall submit with its application documentation demonstrating that it has the experience required for Tier 1 and the experience described in paragraph (4)(A) as follows:

1. Demonstration of UPA past experience required for Tier 1, as described in subparagraph (d)(1)(B);

2. Narrative descriptions of five relevant projects completed in the last five years or in progress that most clearly demonstrate the UPA's experience, specifying responsible staff and their expertise, a description of relevant project tasks, methods for overcoming technical obstacles, and the process used to conduct cleanups or tank removals. Include details regarding public participation, CEQA compliance, site characterization, remedy evaluation and selection, selection of cleanup objectives, remedy implementation, and any long-term activities, such as operation and maintenance.

NOTE: Authority cited: Sections 25150 and 58012, Health and Safety Code.
Reference: Sections 25187, 25356.1 and 25404.1, Health and Safety Code.

68400.15. Determination of Qualification.

(a) To be considered for determination of qualification, an UPA shall submit an application to the Department pursuant to this section. An UPA shall indicate in its application the Tier for which it seeks qualification.

(b) The Department, within 45 days of receipt of the application, shall inform the UPA, in writing, that either the application is complete and accepted for determination of qualification, or that the application is deficient and identify the information that is required to complete the application pursuant to this section.

(c) The Department shall complete the review, within 60 days from the receipt of a completed application, to determine whether the UPA is qualified to implement and enforce the requirements for environmental assessments and corrective action portions of the unified program under Health and Safety Code section 25404.1(a)(3)(C).

(d) The Department, upon completion of the review of the application, shall in writing either approve or disapprove the application for qualification. Within 30 days of approving the application, the Department shall issue a letter of qualification to the UPA (Notice of Approval). Within 45 days of disapproving the application, the Department shall issue a denial letter identifying the areas of deficiency pursuant to this section (Notice of Denial).

(e) Qualification Decision Appeal Process.

(1) The UPA, within 60 days of receipt of the Notice of Denial, may comment to the Department on the deficiencies and provide additional information to address the deficiencies.

(2) The Department, within 60 days of the receipt of the UPA's comments on the Notice of Denial, shall respond, in writing, to approve or disapprove the application based on the review of the information provided by the UPA in subparagraph (c)(5)(A). The UPA, within 45 days of receipt of this decision, may appeal in writing to the Director. Within 45 days of receipt of the appeal, the Director shall, in writing, issue a final decision.

(f) Withdrawal of Determination of Qualification.

(1) The Department may withdraw its determination of qualification if an UPA fails to maintain compliance with this chapter.

(A) If the Department determines an UPA is no longer qualified, it will issue a Notice of Withdrawal to the UPA. Within 45 days of receipt of a Notice of Withdrawal, the UPA may comment to the Department in writing on the reasons for withdrawal and may correct the deficiencies and/or provide additional information for consideration by the Department.

(B) Within 60 days of the receipt of the UPA's comments, the Department will respond, in writing, with a decision on withdrawal.

(C) Pursuant to subparagraph (B), if the Department's decision is to withdraw the determination of qualification, the UPA within 45 days of this decision, may appeal to

the Director. Within 45 days of receipt of the appeal, the Director shall, in writing, issue a final decision to confirm or rescind the withdrawal.

(2) Following a determination of qualification, if resources available to a UPA changed such that the UPA can no longer conduct or oversee environmental assessment and/or corrective action, the UPA shall notify the Department within 15 days of the change. Following receipt of the notice or upon its own determination that the UPA can no longer conduct or oversee environmental assessment and/or corrective action, the Department shall:

(A) Withdraw its determination of qualification; or

(B) If the Department determines that adequate resources will be in place within six months of the date of notice or determination, the UPA may maintain its determination of qualification as long as the UPA otherwise maintains the minimum qualifications for authorization and can continue to conduct or oversee environmental assessment and/or corrective action during the six month period.

NOTE: Authority cited: Sections 25150 and 58012, Health and Safety Code.

Reference: Sections 25187, 25356.1 and 25404.1, Health and Safety Code.

68400.16. UPA Corrective Action.

(a) Any corrective action taken pursuant to this chapter shall be based upon, and no less stringent than, the following requirements.

(1) Applicable provisions of Health and Safety Code, division 20, chapter 6.5 and its implementing regulations.

(2) Applicable guidance documents of the U.S. Environmental Protection Agency (U.S. EPA) and the Department.

(b) The procedure for implementing corrective action includes at a minimum, but is not limited to the following:

(1) Facility assessment and investigation conducted in accordance with <<insert reference to appropriate guidance document.>>;

(2) Evaluation of corrective measures conducted in accordance with <<insert reference to appropriate guidance document.>>;

(3) Financial assurance in accordance with <<section to be specified>>

(4) A corrective action plan that shall contain, at a minimum, the following, prepared in accordance with <<insert reference to appropriate guidance document.>>:

(A) a summary of the facility assessment and investigation, risk assessment, and corrective measures study for all media of concern;

(B) the recommended corrective measure alternative and cleanup goals;

(C) operation and maintenance requirements, if deemed necessary by the UPA;

(5) Corrective measures design and implementation plans prepared in accordance with <<insert reference to appropriate guidance document.>>;

(6) Land use controls in accordance with Chapter 39, section 67391.1, of this division, to the extent applicable;

(7) Completion Report documenting implementation of the corrective measure in accordance with <<insert reference to appropriate guidance document.>>;

(8) Public participation conducted in accordance with <<insert reference to appropriate guidance document.>>, to the extent applicable. Early public participation in the response action process is encouraged.

NOTE: Authority cited: Sections 25150 and 58012, Health and Safety Code.

Reference: Sections 25187, 25356.1 and 25404.1, Health and Safety Code.